

## OIL BURNER FINED FOR POLLUTING BAY

U. S. Ends First Prosecution  
Against Vessels for Dis-  
charging Petroleum.

## GRAVE FIRE MENACE

Practice Hurts Bathing Re-  
sorts and Drives Fish Far  
Out to Sea.

What is said to be the first prosecution by the Government against vessels which pollute the waters of New York harbor by discharging oil was completed yesterday when Judge Learned Hand in the United States District Court imposed a fine of \$50 against the steamship Santa Tecla, an oil burning vessel of the W. R. Grace Steamship Company. This was the minimum fine called for by the statute, the maximum of which is \$250.

The Santa Tecla, while docked at Pier 33, South Brooklyn, in February, 1920, was being supplied with oil for fuel when the tank overflowed through the carelessness of an attendant, and a considerable amount of oil was spilled into the water of the harbor. Captain Campbell, Supervisor of the Harbor, made the complaint on which the suit was brought and Assistant United States Attorney Mary R. Towle prosecuted the case for the Government.

The question of the waste oil which is discharged from vessels in the harbor has long been discussed by fire prevention and health officials and has received considerable attention. Complaints from resorts all along the Long Island and New Jersey coast have been registered each year and various plans have been advanced to remedy the condition. This is the first case which the Government has prosecuted in the matter of harbor pollution by oil burning and cargo vessels. Fire Chief John Krolon recently declared the amount of oil floating on the waters of the harbor constituted a grave fire menace to New York, Brooklyn and New Jersey.

Action to effect Congressional legislation of a more stringent nature to prevent the discharge of oil into the waters of the harbor was taken by an association last summer and was headed by Health Commissioner Royal S. Copeland. An inspection of the waters about the city showed that the quantity of oil floating on the surface of the rivers and harbor was considerable and not only constituted a fire menace but was doing damage along the coast resorts. In some resorts bathers emerged from the surf covered with black tarlike surfaces of oil, which had been washed in from oil burning and oil carrying ships.

In writing his opinion on the case Judge Hand held that the petroleum was inflammable and consequently within the meaning of the Government statute which prohibits the dumping of "obstructive or injurious substances" into the harbor waters. In his opinion Judge Hand wrote in part: "Petroleum floating on top of the water is highly inflammable and there have been serious fires in this harbor caused by its presence alone. I hold that petroleum is within the meaning of the Government statute."

In imposing the minimum fine Judge Hand said he did so because this was the first case of its kind and that the amount of oil discharged by the Santa Tecla had been slight, and therefore the minimum fine was sufficient. Experts have declared that the considerable amount of oil which was being dumped into the waters of the harbor and ocean was responsible for the poor catches of fish at the fishing grounds, the fish being driven to sea by the floating oil.

**MILLER LAUGHS AT REBATE.**

Has Received No Challenge From Gov. Allen.

ALBANY, Nov. 26.—Gov. Miller laughed but reserved decision when asked today if he would accept the offer of the Illinois Manufacturers Association to debate the St. Lawrence ship canal proposition with Gov. Allen of Kansas.

"I received a telegram from the Manufacturers Association today in which they offered me a 'fair ring' but I have not had any challenge from Gov. Allen or any other persons," the Governor said.

## SEVERITY OF ARMY SENTENCES SHOWN

Military Convicts in Leavenworth Outnumber Civil-  
ian 2 to 1.

## PRISON HEADS SILENCED

Instructed by Washington to  
Say Nothing About Young-  
blood Charges.

Special Despatch to THE NEW YORK HERALD. LEAVENWORTH, Kan., Nov. 26.—That Roy Youngblood, Omaha, had a basis for his statement that scores of men are held wrongfully in the United States penitentiary here was neither denied nor affirmed today by prison officials, who have been instructed by the Department of Justice to issue no statements for publication.

According to a comparison of the prison "count" of population, Youngblood's statement regarding the severity of court-martial sentences is correct. Of the 2,014 inmates held in the Federal penitentiary 849 are military prisoners. There are 123 of the military prisoners under life sentence. Only 55 of the civilian prisoners are "lifers," a ratio of more than two to one with the military prisoners holding the undesirable end.

Cases of military prisoners now confined in the Federal penitentiary here and in the United States disciplinary barracks at Fort Leavenworth were reviewed recently for a direct report to the Department of Justice, but no definite action has resulted, according to "outside" friends of the military prisoners.

D. R. Anthony, Jr., Representative from the First Congressional district of Kansas, in which the Federal penitentiary is located, recently introduced the resolution in the House of Representatives calling on the Secretary of War to furnish to the House full information in regard to the cases of the military prisoners who were tried by court-martial for being implicated in the Houston, Texas, riot August 23, 1917.

The former soldiers are serving sentences ranging from fifteen years to life. The Anthony resolution indicates that the evidence before the court which tried the men would not show direct participation of all of them in the riot.



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## FIVE EX-TREASURERS SUED BY ILLINOIS

\$2,500,000 Due State in Interest on Its Funds, It Is Charged.

SPRINGFIELD, Ill., Nov. 26 (Associated Press).—Suits for accounting against five former State Treasurers, alleging shortages of \$2,500,000, were started today by Attorney-General Edward J. Brundage.

The suits cover the six terms preceding that of the present Treasurer, Edward E. Miller, and are directed against all State Treasurers who held office between 1909 and 1921. State Auditor Andrew Russell, who was Treasurer twice during the period, is defendant in two suits.

The other former Treasurers involved are Gov. Len Small, Lieut.-Gov. Fred E. Sterling, William Ryan, Jr., and Edward E. Mitchell.

The Small, Sterling and Russell suits were filed in the Sangamon County Circuit Court at Springfield, their official residence. Suits against Ryan and Mitchell were to be filed today in Cook county. Bondsmen of all the former Treasurers were made defendants.

Disclosures made through the investigation of the State Treasury, which resulted in indictment of Gov. Small, Lieut.-Gov. Sterling and Vernon Curtis, banking associate of Gov. Small, last July, furnished the evidence on which the civil suits were based, the Attorney-General's office announced.

The Sangamon county Grand Jury inquiry, which ended in the indictment of Small, Sterling and Curtis, was the beginning of a searching investigation into Treasury affairs lasting for weeks and months, according to the Brundage office. Going back to enactment of the law of 1908 which required the State Treasurer to deposit money received by him in Illinois banks that would pay the highest rate of interest, Attorney-General Brundage and his investigators are said to have made an exhaustive search of all Treasury records relating to deposits and loans and interest earnings.

This law was in operation until the

present measure requiring the treasurer to loan State money to the highest and best bidder became effective this year.

Lieut. Gov. Sterling is defendant in a suit which alleges that \$10,000,000 of State money alleged to have been used by Treasurer Len Small and the late Senator Edward C. Curtis for their own personal profit continued under the control of Curtis after Sterling, Small's successor, became treasurer.

The bill alleges that shortly after Small became treasurer in 1917 he entered into a scheme with Curtis to use large sums of State money for their own private gain. Small, at the expiration of his term, the bill continues, removed from the treasurer's office books and records relating to deposits, loans and interest earnings.

Immediately upon the commencement of his term as treasurer Sterling, the bill further alleges, became a party to a plan through which the money was to continue under the control of Curtis, that additional sums were to be turned over to him and that the scheme was carried out, to the personal profit of all in the alleged plot.

Money thus handled was carried on the books in an account characterized as the "safe fund" in order, the bill states, to conceal the real facts.

Curtis, according to the bill, issued pretended certificates of deposit in the "Grant Park Bank," an institution which the prosecution declared did not exist.

A large part of the money handled through the arrangement was invested in notes of Armour & Co. and Swift &

Co., Chicago packers, and the bill charges that Curtis collected approximately \$2,000,000 interest from the packers.

These particulars of the civil suits are similar to and cover the same charges made in the criminal cases pending against Small and Sterling, and Vernon Curtis, who is a brother of Senator Curtis, whose death occurred in March, 1920.

All of the bills charge that the five former treasurers made only two reports each on interest earnings during their terms; that the interest accounts were not itemized but submitted in lump sums.

**STATE G. O. P. SPENT \$24,326.**

Cost of Recent Campaign \$250 Below the Receipts.

ALBANY, Nov. 26.—The sum of \$24,326 was spent by the New York Republican State Committee in the recent campaign, according to the statement filed with the Secretary of State today. Receipts were \$250 greater than disbursements. Senator William M. Calder, Chauncey M. Depew, William H. Child, Robert E. Tod and Mrs. Charles H. Sablin each contributed \$500.

**ADMIRAL WILEY TO BOSTON.**

WASHINGTON, Nov. 26.—Rear Admiral Henry A. Wiley, who has been attached to the Naval War College at Newport, R. I., has been assigned to relieve Rear Admiral Gleaves as commandant of the first naval district and of the navy yard at Boston.

## TONIGHT AFTER THE THEATRE

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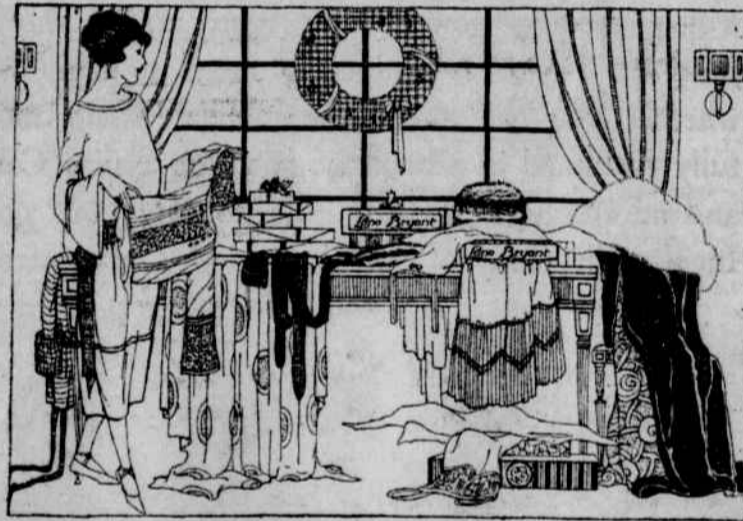
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LANE BRYANT solves the Christmas problem for thousands of families. Here one may select in infinite variety personal presents that will suit, from a single pair of sheer, full-fashioned hose to the luxurious evening wraps of seal or sable ready-to-wear, in any size and specially designed for slenderness.

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Grace and youthful lines distinguish these notable models specially selected from our work-rooms.

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The blouse of originality and charm makes up this exhibition, designed for Christmas giving.

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### FURS

No more luxurious gift could be selected than a scarf or wrap specially draped for slenderizing.

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Hats for the discriminating are these lovely models, each one created to lend height to the figure.

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Marked Price Reductions prevail throughout the entire Department to emphasize the importance of our first November Fur Sale.



**A—Hudson Seal Coats**—Of very select skins, two styles; shawl collar and cuffs of Hudson Seal or Skunk. Handsomely lined with brocaded silk. 40 and 45 inches long, extra large sizes. **395.00**  
Specially Priced for this Sale

**B—Mole Wraps**—Of finest quality Scotch Mole. The season's newest Tuxedo collar. Beautifully lined with self color silk. 45 inches long. Extra large sizes. **489.00**  
Specially Priced for this Sale

**C—Persian Lamb Coats**—Choicest pelts; with deep shawl collar and cuffs of skunk. Exquisitely lined with silk. 40 inches long, extra large sizes. **517.50**  
Specially Priced for this Sale

**D—Squirrel Wraps**—Of handsomely matched skins. Deep shawl collar. Lined with novelty silk. 45 inches long, extra large sizes. **675.00**  
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